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SUBJECT: UNITED STATES CONSULTATIONS WITH THE OFFICE OF THE
HIGH COMMISSIONER FOR HUMAN RIGHTS

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Summary

1. DRL Deputy Assistant Secretary Erica Barks-Ruggles and Ambassador Tichenor, accompanied by PolCouns and Washington- and Geneva-based staffers, met with High Commissioner for Human Rights Louise Arbour August 31 to discuss a broad range of human rights-related issues, including OHCHR field operations, support for special procedures mandates, budget and management, and the new Human Rights Council (HRC). DAS Barks-Ruggles stressed our strong desire to see the brunt of OHCHR's increasing budget go toward results-based field operations. Arbour said her office has made substantial progress in bolstering its staffing levels in Geneva and in the field and that this would lead to tangible results in support of human rights. Arbour urged the U.S. not to write off the new Human Rights Council (HRC) just yet, lamenting the bad timing of events in Lebanon and Gaza that directly led to anti-Israeli resolutions during the first Council session and two subsequent special sessions. Nevertheless, she urged the United States to publicly differentiate her office from the HRC in the event that the Council continues to perform badly. End Summary.

Budget and Funding Issues

2. Arbour warmly greeted our delegation and immediately kicked off the meeting with an obligatory pitch for more funding. OHCHR is trying to expand its donor base. It had persuaded Russia to donate two million dollars and was trying to have other traditionally non-donating countries contribute voluntary funds - even small amounts - to dispel any notion that OHCHR is an "agent of the West." Asking for less earmarking of funds, she welcomed progress with Nordic and other European countries to earmark less of their voluntary contributions and make commitments for multiple years. The Netherlands, for example, pledged 20 million euros in non-earmarked funds over a four-year period. She praised the U.S. record for financial support and hoped that we would continue setting the watermark for other countries. She was also hopeful that ACABQ (the UN Advisory Committee on Administrative and Budgetary Questions) would clear the way this fall for releasing funds for the second phase of OHCHR's current biennium. While pleased by last year's decision to double OHCHR's annual budget over five years, Arbour stressed that the increase should not come at the expense of voluntary contributions, thus resulting in no net gain for her office. Barks-Ruggles noted the United States' consistent support for the OHCHR and explained that our main concern was that these

extra funds be used to support field operations.

Field Operations

13. OHCHR's Capacity Building and Field Operations Branch (CBB) Chief Fabrizio Hochschild, who also participated in the consultations, said that looking at money spent at headquarters versus in the field did not accurately reflect how the money was being spent since desk and administrative jobs in Geneva were being created to support field operations not in OHCHR's budget. For example, there are 450 human rights field officers whose salaries are being paid by DPKO; however, support for human rights programming comes from OHCHR in Geneva. This, he stressed, could lead to misunderstandings that staffing is inappropriately weighted towards headquarters operations. Arbour said that half of Geneva's funding comes from the regular UN budget, while the other half comes from extra-budgetary funds. For field operations, 10 percent comes from the regular budget and 90 percent from extra-budgetary funds. While there was a great need for OHCHR to be seen in places like Darfur, Arbour said that her office currently had no capacity for it. Even in the best circumstances, it has been difficult to get offices up and running, she said, citing recent cases in Guatemala, whose government took more than one year to sign the MOU.

14. As far as field operations, OHCHR is currently working with four basic models: 1) stand-alone offices (e.g. Colombia, Nepal); 2) partnerships with peace keeping missions (e.g. Afghanistan, Democratic Republic of Congo); 3) provision of a human rights advisor for country teams with no human rights component (e.g. Sri Lanka); and 4) regional offices meant both to support national offices and to provide support for human rights in countries without a UN human rights presence. In response to Barks-Ruggles' expression of concern about the mandate for these regional offices, Hochschild admitted that this was indeed a problem. He said

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OHCHR was developing a model mandate to be used when establishing future regional offices. Arbour also said that past efforts in technical cooperation focused greatly on teaching government bureaucrats how to do reports about how their countries were not complying with their treaty body obligations. OHCHR was now focusing more attention on helping them to comply. This means that more field officers were necessary. OHCHR expects to complete hiring Geneva-based officers and administrative staff by the end of 2006. Arbour stressed that this was a necessary first step and that field officers are also currently being hired; she expected even more to be hired during the second half of the 2006-2007 biennium.

15. Arbour said that part of her vision for reform included breaking away from the current unspoken rule that technical assistance was good and monitoring was bad. She wanted to continue engaging with countries bilaterally and with a holistic approach, which she says builds trust and improves the situation on the ground.

OHCHR and the Human Rights Council

16. Arbour said the Human Rights Council (HRC) needed more time to mature and that the focus on Israel, which happened due to "bad timing," should not serve as a distraction to the real changes she expected to take place. She noted that, in all events, states should differentiate her office from the HRC. OHCHR had been established with its own mandate to promote and protect human rights. While it provides administrative support for the HRC and is often tasked by the Council, it is not part of that body. While still hopeful that the Council will rise to meet expectations, Arbour wants

to make sure that OHCHR is not associated with the HRC should it fail.

17. She said it would be "catastrophic" if the United States were to disengage in UN human rights fora, but she was hopeful that the Universal Periodic Review (UPR) process would lead to improvements and direct results. UPR would make it possible to review the record of human rights abusers who had once avoided scrutiny by hiding behind membership in the discredited Commission on Human Rights. However, care should be taken to avoid country-to-country comparisons for UPRs. Comparing Botswana's human rights record with its previous record, for example, would show whether or not progress was being made rather than trying to compare it with the record of a country like Norway. Barks-Ruggles said that it was important that the Council not be overwhelmed by the UPR process and that it treat all states equally. Arbour said that she supported country-specific mandates but doubted they would survive the mandate review process. There was a possibility to link country mandates to the UPR process and simply call them something else. Arbour said it was important that the Council not use her office to undermine OHCHR's technical cooperation system, since artificial capacity building was worse than doing nothing. She said the Sub-Commission was very good at doing that sort of thing, joking that her office was asked to check on the "human rights situation in Mars."

This cable has been cleared by DRL/DAS Erica Barks-Ruggles.
TICHENOR